

# FINAL BILL REPORT

## E2SSB 6696

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### Synopsis as Enacted

**Brief Description:** Regarding education reform.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, King, Gordon, Oemig, Hobbs, Kauffman, McDermott, Roach, Berkey, Murray, Tom, Prentice, Haugen, Fairley, Kline, Rockefeller, Keiser, Marr, Ranker, Regala, Eide, Kilmer, Hargrove, Franklin, Shin and Kohl-Welles; by request of Governor Gregoire).

**Senate Committee on Early Learning & K-12 Education**

**Senate Committee on Ways & Means**

**House Committee on Education**

**House Committee on Ways & Means**

**Background:** Federal Funds. One component of the federal American Recovery and Reinvestment Act (ARRA) is the Race To The Top (RTTT) Fund, estimated to provide \$4 billion for one-time, four-year competitive grants to encourage states to improve student outcomes by implementing strategies in four education reform areas and to reward states that have already made significant progress in these areas:

1. implementing high academic standards and rigorous assessments;
2. improving teacher effectiveness and achieving equity in teacher distribution;
3. improving collection and use of data; and
4. supporting struggling schools.

The federal guidance provided for the federal competitive RTTT grants provides that implementation of the four federally defined school intervention models (turnaround, restart, school closure, and transformation) can strengthen a RTTT application and facilitate the reforms required to be addressed by the RTTT grant. The Governor, Superintendent of Public Instruction (SPI), and Chair of the State Board of Education (SBE) are jointly working on a RTTT grant application and intend to submit the application by the June 1, 2010, deadline. The Governor has requested legislation to address some areas that will be included in the state's RTTT application.

Accountability. In 1993 the Legislature directed the Commission on Student Learning (CSL) to, among other things, adopt criteria to identify successful schools and districts, those in need of assistance, and those in need of state-level intervention. The CSL expired on June 30, 1999, without such a system being created. During the 1999 Legislative Session the Academic Achievement and Accountability Commission (A+ Commission) was created and given the same task. In 2001 the A+ Commission proposed an accountability system to the

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Legislature, including a voluntary focused assistance program. The legislation did not pass, but funds were, and continue to be, provided in the budget for a voluntary focused assistance and school improvement program. In 2005 the Legislature abolished the A+ Commission and charged the SBE with identifying successful schools and districts, those in need of assistance, and those in need of state-level intervention. In 2008 the SBE adopted an accountability framework that included using an accountability index that used multiple indicators to identify schools and districts for recognition, improvement, and additional state support. The 2009 Legislature directed the SBE to continue to refine the framework, including a system targeting schools and districts that have not demonstrated sufficient improvement through the voluntary system.

Public Employment Relations Commission (PERC). PERC offers mediation, fact-finding, and arbitration services; training in collective bargaining; processing of representation and unit clarification cases; and adjudication of unfair labor practice cases at no cost to the approximately 350,000 public employees in Washington who work for the state, cities, counties, ports, school districts, community colleges, universities, and public utilities and have collective bargaining rights under public sector collective bargaining statutes.

Evaluations. *Classroom Teachers, Principals, and Other Staff.* Current law requires each school district to have criteria and procedures to evaluate the district superintendent; principals; other administrators; and other certificated staff, including classroom teachers, but not classified staff. The criteria and procedures for evaluating classroom teachers must include minimum criteria established by the SPI in instructional skill; classroom management; professional preparation and scholarship; effort toward improvement when needed; handling of student discipline and attendance problems; interest in teaching pupils; and knowledge of subject matter. Principal evaluation must be based on the job description and may address specified criteria. It is the responsibility of the principal to evaluate all certificated staff in the school. The number and duration of the observations for the purpose of evaluation are specified, and can include a locally bargain short-form evaluation for employees who have received four years of satisfactory evaluations. The employee must receive a written copy of any evaluation results.

*Provisional Certificated Staff.* Except for provisional employees, there must be probable cause and due process provided to an employee whose employment contract is not renewed. A provisional employee is subject to nonrenewal of an employment contract without a finding of probable cause. A provisional employee is a non-supervisory, certificated employee who is either (1) in the first two years of employment by a school district; or (2) in the first year of employment at a school district but has at least two years of employment by another Washington school district.

Assignment of Staff. Assignment of staff must be based on classroom and program needs determined by the school board.

Supplemental Contracts. The Legislature provides funding for teachers and other certificated staff salaries through the state salary allocation schedule, which uses education and years of experience to determine the salary levels. School districts have the authority to establish the actual salaries paid to staff, subject to local collective bargaining, and within limits set by the Legislature. School districts may exceed the limitations by using a locally funded

supplemental contract for additional time, responsibilities, or incentives (TRI). TRI supplemental contracts must be for only one year, not cause the state to incur any present or future funding obligation, be covered by collective bargaining, and not be used to pay for basic education services.

Professional Educator Preparation. The Professional Educator Standards Board (PESB) is responsible for the policy and oversight of Washington's system of educator preparation and certification. There are currently two levels of teacher certification: (1) residency, which requires completion of an approved teacher preparation program at an institution of higher education or through an alternative route; and (2) professional, which requires successful completion of an approved professional certification program until September 1, 2011, successful submission of a ProTeach portfolio assessment to the PESB, or successful achievement of a certificate from the National Board for Professional Teaching Standards.

*Preservice Assessment.* Last session, the Legislature directed the PESB to develop a proposal for a uniform classroom-based means of evaluating teacher effectiveness to be used during preservice. The assessment was to include multiple measures of classroom performance, artifacts, and student work. In April 2009 the PESB joined a multi-state consortium to pilot the Teacher Performance Assessment, a preservice assessment.

*Alternative Routes for Certification.* The Legislature has created four alternative routes to teacher certification. Since 2001, under the alternative routes, school districts have been able to partner with higher education teacher preparation programs to provide a shortened field-based teacher preparation program with a mentored internship. The educational program for each route varies based on the existing education level of the candidate. Originally, a partnership grant program and conditional scholarship were funded by the Legislature to support the alternative route program, however, the grant program is no longer funded. There are currently ten approved programs, all at private four-year institutions of higher education. In 2008-09, 125 candidates received a teaching certificate through one of the alternative route programs. In 2007 a program called Retooling to Teach Math and Science was created to offer conditional scholarships for currently employed teachers or unemployed elementary teachers to earn a math or science endorsement.

*Student Teaching Centers.* Legislation enacted in 1991 created networks of student teaching centers through the Educational Service Districts (ESDs) to coordinate student teaching placements in rural communities not served by higher education institutions. Funding for the centers was eliminated in the 2003-05 biennial budget.

Workforce Data. Since 2004, at the direction of the Legislature, the Higher Education Coordinating Board (HECB), the State Board for Community and Technical Colleges (SBCTC), and the Workforce Training and Education Coordinating Board (WTECB) have jointly reported, every two years, an assessment of the number and type of higher education and training credentials required to match employer demand for a skilled and educated work force.

#### Academic Standards:

*Essential Academic Learning Requirements (EALRs).* The SPI has the responsibility to develop and revise the Essential Academic Learning Requirements (EALRs), which are the

knowledge and skills that public school students need to know and be able to do. The EALRs in reading, writing, communications, and mathematics were initially adopted in 1995 and revised in 1997. The EALRs for science, social studies, the arts, and health and fitness were initially adopted in 1996 and also revised in 1997. The EALRs for mathematics and science were again revised in 2008. Under current law, if the SPI proposes any modification to the EALRs, then the SPI must, upon request, provide opportunities for the education committees of the Legislature to review the proposed modifications before the modifications are adopted.

*Common Core Standards.* In May 2009 Governor Gregoire and State Superintendent Dorn signed an agreement joining the governors and the chief state school officers from 48 states to develop a common core of state standards in English-language arts and mathematics for grades K-12. The anticipated release of the standards is February 2010. A validation committee will verify that states have accurately adopted the common core state standards. Once the English-language arts and mathematics standards are developed, there is a plan to develop a common core of standards in science and potentially additional subject areas.

Parents and Community. Since 1994, each school must annually provide a school performance report to the parents of students in the school and the community served by the school. The report must include information on enrollment, student demographics, student performance, student attendance, graduation and dropout rates, expenditures, and the use and condition of school buildings. The SPI must post each school's report on the SPI website.

**Summary:** This bill addresses school and school district accountability, educator preparation, teacher and principal evaluations, academic standards, and parent and community involvement in schools.

Accountability. In 2010 phase I of the accountability system is voluntary; will use federal funds to target the lowest 5 percent of persistently lowest achieving schools in the state eligible for federal Title I funds; and use federal intervention models. A required action process will begin in 2011 for those eligible schools that did not volunteer and have not improved student achievement. Phase II will use state funds for a required action process in schools that are not Title I eligible and begin in 2013.

Beginning no later than December 1, 2010, the SPI must use criteria developed by the SPI that conforms with federal criteria to annually identify schools that are the persistently lowest achieving schools. If federal funds are available, beginning in January 2011, the SPI must annually recommend to the SBE the school districts that should be designated as a required action district. A required action district must have at least one identified persistently lowest achieving school, however, a district that voluntarily participated in 2010 cannot be designated for three years following the receipt of the federal grant. A timeline and process is provided for the SPI to provide written notice of the designation to the required actions districts and for a district to request reconsideration of the designation. A designated district must notify all parents of students in the identified school of the designation and the required action process that will be followed.

The SPI must contract with an external review team, with expertise in school and district reform, to conduct an academic performance audit of the designated district and the

identified school to identify potential reasons for the low performance. The audit must include specified areas of review. The audit findings must be made available to the district staff, community, and the SBE.

A plan must be developed by the school district with school employees, employee unions, parents, students, and community members to address the findings in the audit. The plan must contain specified components, including implementation of one of the four federal intervention models (although a district may not establish a charter school without express legislative authority.) The SPI must provide assistance, if the district requests. The district must obtain comment on the proposed plan at a public hearing.

Any collective bargaining agreement with a designated required action district must be able to be changed, if necessary, to implement the required action plan. If the district and employee organizations are unable to agree on the change necessary then the parties must request the Public Employment Relations Commission (PERC) to mediate in accordance with a specified timeline. If the mediation is unsuccessful then the executive director of the PERC must certify the disputed issues for a decision by the Superior Court. In accordance with a specified timeline and process, the court must enter an order selecting the required action plan proposal that best responds to the issues raised in the school district's academic performance audit and must allow implementation of one of the four federal intervention models. Each party must bear its own costs and attorney's fees.

Plans must be submitted to the OSPI to determine consistency with federal guidelines and to the SBE for approval. If the SBE does not approve a plan, a district must either submit a new Plan or can request reconsideration from a Required Action Review Panel (Panel). The Panel is composed of five individuals appointed by the Speaker of the House, the President of the Senate, and the Governor, but is convened by the SPI only on an as-needed basis. Reconsideration is based on whether the SBE gave appropriate consideration to the unique circumstances of the district, as identified in the performance audit. The Panel can reaffirm the SBE's rejection of the Plan, recommend approval, or recommend changes to secure approval.

Once approved, a plan must be implemented the school year immediately following the district's designation as a required action district, unless federal funds are not available. If a school district has not submitted a final plan for approval or has not received SBE approval by the beginning of the school year in which the plan is to be implemented then the SBE may direct the SPI to redirect the district's federal Title I funds based on the academic performance audit findings.

The district must submit progress reports and the SPI must provide a report twice a year to the SBE on the progress made by all the required action districts. After three years, a school district may be released from required action if the district has made progress, as defined by the SPI, and no longer has a school within the district that is identified as persistently low achieving.

The SBE with the SPI must annually recognize schools for exemplary performance as measured on the SBE accountability index. The State Board of Education must have ongoing collaboration with the Achievement Gap Oversight and Accountability Committee

regarding the measures used for and the recognition of schools that are closing the achievement gap.

Both SPI and the SBE may adopt rules to implement the accountability provisions.

*Joint Select Committee.* A Joint Select Committee (Committee) is created no earlier than May 1, 2012, with eight legislative members to examine options and models for significant state action, particularly in the case of persistent lack of improvement by a Required Action district. The Committee must submit an interim report by September 1, 2012, and a final report with recommendations by September 1, 2013. The committee expires June 30, 2014.

Evaluations. Each school district must establish performance criteria and an evaluation process for all staff and establish a four-level rating system for evaluating classroom teachers and principals with revised evaluation criteria. Minimum criteria is specified. The new rating system must describe performance on a continuum that indicates the extent the criteria have been met or exceeded. When student growth data, (showing a change in student achievement between two points in time), is available for principals and available and relevant to the teacher and subject matter, it must be based on multiple measures.

*Classroom Teachers.* The revised evaluation criteria must include: centering instruction on high expectations for student achievement; demonstrating effective teaching practices; recognizing individual student learning needs, and developing strategies to address those needs; providing clear and intentional focus on subject matter content and curriculum; fostering and managing a safe, positive learning environment; using multiple student data elements to modify instruction and improve student learning; communicating and collaborating with parents and the school community; and exhibiting collaborative and collegial practices focused on improving instructional practice and student learning. The locally bargained short-form may also be used for certificated support staff or for teachers who have received one of the top two ratings for four years. The short-form evaluations must be specifically linked to one or more of the evaluation criteria.

*Principals.* The revised evaluation criteria must include: creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff; demonstrable commitment to closing the achievement gap; providing for school safety; leading the development, implementation, and evaluation of a data-driven plan for increasing student achievement, including the use of multiple student data elements; assisting instructional staff with alignment of curriculum, instruction, and assessment with state and local district learning goals; monitoring, assisting, and evaluating effective instruction and assessment practices; managing both staff and fiscal resources to support student achievement and legal responsibilities; and partnering with the school community to promote student learning.

*Pilot and Implementation.* The SPI, with stakeholders and experts, must create models for implementing the revised evaluation system criteria, student growth measurement tools, professional development programs, and evaluator training. Beginning in the 2010-11 school year, SPI selected school districts that, among other things, have the agreement of the local associations representing teachers and principals to collaborate with the district, will pilot the new teacher and principal evaluation systems. If funds are provided for beginning teacher

support programs, school districts participating in the phase-in of the new evaluation systems receive first priority for funds during the phase-in period. The school districts participating in the pilot must submit student data to OSPI. OSPI must analyze the extent student data is used in the evaluations. The new evaluation systems must be implemented in all school districts beginning in 2013-14.

*Reporting.* The SPI must provide reports on the status of the new evaluation implementation by July 1, 2011, and July 1, 2012. The 2011 report must include recommendations for whether a single statewide evaluation model should be adopted, whether modified versions should be subject to state approval, what the criteria would be for state approval, and challenges posed by requiring a state approval process.

*Provisional Certificated Staff.* Provisional status for certificated staff is extended from two years to three, although a district superintendent may remove an employee from provisions status if the employee received one of the top two evaluation ratings during the employee's second year of employment. Process providing the number and duration of the observations during the third year is specified.

Principals hired after the effective date of the bill can be transferred to a subordinate position in the district even if they have more than three years of employment as a principal, based on the superintendent's determination that the results of the principal's performance evaluation provide a valid reason for the transfer. No probationary period is required, but support and an attempt at remediation, as defined by the superintendent, are required. A final decision by the board to transfer the principal cannot be appealed. These provisions apply only in school districts with more than 35,000 students.

Assignment of Staff. In addition to classroom and program needs, assignment of staff must be based on a plan to ensure that the policy supports the learning needs of all students and gives specific attention to high-need schools and classrooms.

Supplemental Contracts. TRI contracts are expanded to authorize the inclusion of innovative activities, if focused on the achievement gaps, STEM, and arts education. School districts must report the innovative activities to OSPI and OSPI must provide to the Legislature a summary of the innovative activities in supplemental contracts.

*Program Approval.* By September 1, 2010 the PESB must review and revise its educator preparation program approval standards and, beginning September 30, 2010, accept proposals for new programs that could include community and technical colleges or nonhigher education providers. All approved program providers must adhere to the same standards and comply with the same requirements.

*Preservice Performance Assessment.* Approved teacher preparation programs must administer the PESB's evidence-based assessment of teaching effectiveness to all preservice candidates beginning with the 2011-12 school year. The PESB must establish a date during the 2012-13 school year after which all candidates must successfully pass the assessment. The PESB is authorized to contract with a third-party to administer the assessment. Candidates who are charged a fee for the assessment by the contracted party will pay the contractor directly.

*Alternative Routes to Certification.* The PESB is directed to transition the alternative route certification program from a separate competitive partnership grant program to a preparation program model that can be expanded to additional approved providers. Various adjustments are made to the laws pertaining to these alternative route programs to reflect the shift in emphasis. All public institutions of higher education with residency certificate programs that are not already offering an alternative route program must submit a proposal to the PESB to offer one or more of the alternative route programs.

*Student Teaching Centers.* Laws establishing student teaching centers in the ESDs are repealed.

Educator Workforce. The ESDs must annually convene school districts and educator preparation programs in their region to review educator workforce data, make projections of certificate needs, and identify how preparation program recruitment and enrollment plans reflect that need.

The needs assessment conducted by the HECB regarding teacher preparation is expanded to include any area of regional or subject-matter shortage. The HECB must also establish service regions for public institutions of higher education that offer preparation programs. If the HECB determines that access to a preparation program within a service region is inadequate, the responsible higher education institution must submit a plan to the HECB for meeting the need.

The Council of Presidents (COP) must convene a working group to implement the plans developed in 2009 by the public colleges of education regarding increasing the number of mathematics and science teachers. The COP submits a progress report by December 31, 2011.

Common Core Standards. The SPI is authorized to adopt a common set of standards based on those developed by a multi-state consortium on a provisional basis by August 2, 2010, but must not implement the standards until the legislative Education committees have an opportunity for review. By January 1, 2011, the SPI must submit a detailed comparison of the provisional standards and the state standards, as well as an estimated timeline and costs to implement the provisional standards.

Parents and Community. Beginning in 2010-11 each school must conduct outreach and seek feedback from a diverse range of parents and community members regarding their experience with the school. Schools must summarize the feedback and include it in the annual school performance report. The SPI must create a working group to develop model feedback tools and strategies that school districts are encouraged to adapt to the unique circumstances of their communities. School districts are encouraged to create spaces in school buildings, if space is available, to provide access to student and family services. The CISL must determine measures that can be used to evaluate the level of parental involvement in a school and identify successful models and practices of parent involvement.

### **Votes on Final Passage:**



Senate	41	5	
House	76	22	(House amended)
House	72	25	(House amended)
Senate	46	1	(Senate concurred)

**Effective:** 90 days.